

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-280-RJC
(3:11-cr-112-RJC)**

ERIKA HOLLAND,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Respondent’s Motion for Permission to Attach Transcripts of Petitioner’s Testimony before the Grand Jury, filed November 13, 2012. (Doc. No. 16).

On May 3, 2012, Petitioner filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255. (Doc. No. 1). In her Section 2255 motion, Petitioner raises several allegations of ineffective assistance of her appointed trial counsel, including that the breakdown in her relationship with her appointed counsel caused her to terminate the relationship, and during her subsequent appearance before the grand jury she may have incriminated herself through her testimony. (Id. at 7).

The Government has been ordered to file a response to allegations raised in Petitioner’s Section 2255 motion. In responding to the allegations Petitioner raises regarding her grand jury testimony, the Government moves the Court for an Order permitting the attachment of Petitioner’s grand jury testimony as an exhibit to its Answer. (Doc. No. 16 at 2).

Under the Federal Rules of Criminal Procedure, the “Court may authorize disclosure—at a

time, in a manner, and subject to any other conditions that it directs—of a grand-jury matter . . . preliminarily to or in connection with a judicial proceeding.” Fed. R. Crim. P. 6(e)(E)(3)(i).

The Court finds that good cause exists to grant the Government’s motion. The Government has been ordered to respond to the allegations raised by Petitioner, and as noted, one of those allegations concerns her testimony before the grand jury. The Court finds that in this instance, the traditional public need for protecting the secrecy of grand jury proceedings is outweighed by the Government’s need to address Petitioner’s allegations. See In re Grand Jury Proceedings GJ-76-4 & GJ-75-3, 800 F.2d 1293, 1298 (4th Cir. 1986) (“Whether the balance in his favor has been demonstrated by the party seeking disclosure is a question committed for decision to the discretion of the trial judge . . .”) (internal citation omitted).

IT IS, THEREFORE, ORDERED that the Respondent’s Motion to Attach Petitioner’s Grand Jury Testimony to its Answer is **GRANTED**. (Doc. No. 16)

IT IS FURTHER ORDERED that Respondent shall file the grand jury testimony under seal.

The Clerk of Court is directed to restrict access through the ECF System to the Parties to this action.

SO ORDERED.

Signed: November 15, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

